

1 2008.

2 **1. Jurisdiction and Service**

3 The basis asserted by Plaintiff for this Court's jurisdiction is 28 U.S.C. § 1361, 28 U.S.C. §
4 1331, and 5 U.S.C. §§ 551, 702. The parties do not dispute that venue is proper in this district.
5 No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

6 **2. Facts**

7 Plaintiff is a native of China who applied to adjust his status to lawful permanent residence with
8 the United States Citizenship and Immigration Services (USCIS) on May 2, 2005. The USCIS
9 has yet to adjudicate Plaintiff's I-485 application. The plaintiff filed this action on October 10,
10 2007, seeking an order from this Court directing USCIS to adjudicate his I-485 application.

11 **3. Legal Issues**

12 1. Whether this Court should dismiss the plaintiff's action for failure to state a claim and for lack
13 of subject matter jurisdiction.

14 2. Whether the delay in the adjudication of Plaintiff's I-485 application is unreasonable.

15 **4. Motions**

16 No motions have been filed. The parties intend to file cross-motions for summary judgment.

17 **5. Amendment of Pleadings**

18 No parties, claims or defenses are expected to be added or dismissed.

19 **6. Evidence Preservation**

20 The parties do not have any evidence that falls within this category.

21 **7. Disclosures**

22 The parties believe that review will be confined to the administrative record and thus the
23 disclosure requirements of Fed. R. Civ. P. 26 do not apply.

24 **8. Discovery**

25 The parties do not intend to take any discovery in this case.

26 **9. Class Actions**

27 N/A

28 **10. Related Cases**

The parties are not aware of any related case or cases.

11. Relief

The plaintiff asks this Court to direct the USCIS to adjudicate his I-485 application within 60 days of receiving the Court's order.

12. Settlements and ADR

On January 9, 2008, the parties were excused from the formal ADR process.

13. Consent to Magistrate Judge for All Purposes

The parties have consented to proceed before a Magistrate Judge.

14. Other References

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial, and any request to bifurcate issues, claims or defenses.

16. Expedited Schedule

The parties believe this case can be resolved on cross motions for summary judgment.

17. Scheduling

The parties will notice and move for summary judgment with the following proposed due dates:

Parties' cross-motions for summary judgment: February 12, 2008

Parties' opposition motions: February 26, 2008

The Parties respectfully request that the Court take this matter under submission based on the above motions and that no summary judgment hearing be held for this case. Should the Court deem that a hearing is necessary, the parties propose a summary judgment hearing date of March 18, 2008.

18. Trial

The parties do not anticipate the need for a trial in this case.

19. Disclosure of Non-Party Interested Entities or Persons

1 The plaintiff filed the "Certification of Interested Entities or Persons" required by Civil Local
2 Rule 3-16 on October 10, 2007.

3 **20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this**
4 **matter**

5 None.

6
7 Dated: January 22, 2008

Respectfully submitted,

8 _____
9 /s/
10 Justin G. Fok
11 Law Offices of Jean D. Chen
12 Attorney for Plaintiff

13
14 Dated: January 22, 2008

15 _____
16 /s/
17 Ila C. Deiss
18 United States Attorney
19 Attorney for Defendants

20 ///

21 ///

22 ///

ORDER

The Case Management Statement and Proposed Order are hereby adopted as the Case Management Order for the case and the parties are hereby ordered to comply with this order. The Case Management Conference currently scheduled for January 29, 2008, is hereby vacated.

Dated: _____

Howard R. Lloyd
United States Magistrate Judge

ORDER

The Case Management Statement and Proposed Order are hereby adopted as the Case Management Order for the case and the parties are hereby ordered to comply with this order.

Dated: _____

Howard R. Lloyd
United States Magistrate Judge